



CONGRESSMAN
**A. DONALD
McEACHIN**
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Congressional District



LEGISLATION

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Deceptive Practices and Voter Intimidation Act

Bicameral Legislation Introduced in the House by Reps. Donald McEachin and Jerry Nadler

Section 1: SHORT TITLE

- The title of this bill is the “Deceptive Practices and Voter Intimidation Prevention Act of 2018”.

Section 2: FINDINGS

- Asserts the fundamental importance of the right to vote and seeks to demonstrate the necessity of the bill’s substantive provisions, in part by listing recent examples of disinformation campaigns.

Section 3: PROHIBITION ON DECEPTIVE PRACTICES IN FEDERAL ELECTIONS

- Prohibits false communications regarding federal elections in the sixty days preceding such elections if the originator or disseminator knows said information to be materially false and has the intent to impede or prevent another person from exercising their right to vote.
 - Specifically, this prohibition contemplates false information about the time, place, or manner of holding any election; the qualifications for or restrictions on voter eligibility, including criminal penalties associated with voting or information regarding a voter’s registration status; and false statements regarding public endorsements.
- Prohibits hindering, interfering with, or preventing a person from voting, registering to vote, or aiding another person to vote or register to vote in federal elections.
- Creates a private right of action, enabling those aggrieved by violation to seek preventive relief in federal court and to receive a reasonable attorney’s fee at the court’s discretion if successful.
- Enacts penalties for violations and attempted violations, consisting of a fine of up to \$100,000, a prison sentence of up to 5 years, or both. It increases the current penalty for voter intimidation to the same level.
- Expands an existing prohibition on vote-buying to include payments for the act of not voting.

Section 4: CORRECTIVE ACTION

- Requires the Attorney General, upon determination that state and local election officials have not taken adequate steps in response to violations, to promptly communicate accurate information to correct materially false information.
- Requires that the corrective information be accurate and objective, consist only of the material necessary to correct the materially false information, be intended to reach the persons to whom the materially false information has been or is being communicated to, and not favor or disfavor any particular candidate, organization, or political party.
- Authorizes appropriate funds for the Attorney General to carry out this Act.

Section 5: REPORTS TO CONGRESS

- Requires the Attorney General, not later than 180 days after each general election for federal office, to submit a public report to Congress compiling all allegations received by the Attorney General of deceptive practices.

Section 6: SEVERABILITY

- Ensures that if any provisions of this Act are held to be unconstitutional, the remaining provisions shall not be affected by the holding.